

REMARKS

This responds to the Office Action mailed on July 14, 2006.

Claims 8, 9, 23, and 24 are amended, no claims are canceled, and no claims are added; as a result, claims 8 – 10, 23, and 24 remain pending in this application.

The amendments to the claims are fully supported by the specification as originally filed, and no new matter has been added. The amendments are made to clarify the antecedent basis of the term “the control signal” and are not intended to limit the scope of equivalents to which any claim element may be entitled. Applicant respectfully requests reconsideration of the above-identified application in view of the amendments above and the remarks that follow.

§102 Rejection of the Claims

Claims 8-10 and 23-24 were rejected under 35 USC § 102(b) as being anticipated by Odawara et al. "Partition and Placement Technique for CMOS Gate Arrays", IEEE Transactions on Computer-Aid Design, vol. CAD-6, No. 3, May 1987, pages 355-363.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *In re Dillon* 919 F.2d 688, 16 USPQ 2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991). Applicant respectfully submits that the Office Action did not make out a *prima facie* case of anticipation.

Odawara describes a partitioning and placement technique; however, Odawara fails to disclose “*identifying logic for generating at least one control signal and excluding the logic from the set of vectors*” as claimed in independent claim 8 or independent claim 23. In fact, Odawara makes no reference to identifying logic for generating control signal(s). As a result, Odawara is not able to treat control logic separately as it is in the currently pending claims. Thus, because Odawara does not disclose “*identifying logic for generating at least one control signal and excluding the logic from the set of vectors*”, Odawara does not anticipate claims 8 and 23.

Claims 9 – 10 and 24 depend, directly or indirectly, on claims 8 and 23, respectively and are patentable over a Odawara for the reasons above as well as the elements in the claims.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((612) 349-9592) to facilitate prosecution of this application.


If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date January 16, 2007

By 
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 16th day of January 2007.

Ann M. McCrackin

Name



Signature